

August 14, 2001

The Salisbury Planning Board held its regular meeting on Tuesday, August 14, 2001, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Rodney Queen, Eldridge Williams, Sean Reid, DeeDee Wright, Ken Mowery, Elaine Stiller, Jeff Smith, Brian Miller, Leigh Ann Loeblein, John Daniels, Fred Dula

ABSENT: Lou Manning

STAFF: Harold Poole, Patrick Kennerly, Hubert Furr, Dan Mikkelson, Janice Hartis

The meeting was called to order by Chairman Wright. The minutes of July 24, 2001, were approved as published.

### **ZONING MAP AMENDMENTS**

Z-17-01 Pilot Developers, LLC, Crane Creek, Stokes Ferry Road and Earnhardt Road

Location: Property bounded by Crane Creek, Stokes Ferry Road, Earnhardt Road, and Corbin Hills golf course

Size: 152 acres

Existing Zoning: R-8 Single Family-8 Residential, R-6A Multi-Family Residential, and A-1 Agricultural District

Proposed Zoning: RD-A Residential Development "A" and B-RT Business Retail Trade

(a) Chairman Wright convened a courtesy hearing on Z-17-01.

Senior Planner Harold Poole indicated that most of the property is being requested for rezoning to RD-A Residential Development "A". An area through the center of the development is proposed for rezoning to B-RT Business Retail Trade. The tentative route of Jake Alexander Boulevard Extension from Stokes Ferry Road, to Earnhardt Road, to Bringle Ferry Road and points beyond would extend through this center section of the development.

Staff is asking that the Planning Board look at the northernmost portion of the property where there is a "V"-shaped piece of property not included in the rezoning request. Staff would prefer to see this rezoned so that RD-A would cover the entire area to the east of Crane Creek.

Those speaking in favor of the zoning change request:

Eric Wood, Pilot Developers – The existing R-6A zoning on the property would allow 400 plus apartment units. Approximately 1,000 housing units could be placed on the property under the current zoning. The current zoning was established in the 1980s and is not conducive for allowing many of the aspects in his proposal. The city recently adopted the Vision 2020 Plan which was used in the development of his mixed-use plan of residential and commercial. Earnhardt Road is an important growth area. This is a natural extension of the city as well as

Jake Alexander Boulevard. As the city grows out this way, there needs to be some commercial aspect. The commercial uses would provide strong buffers for the residential uses. The proposal provides four entrances into the project as well as a lot of connectivity.

Jonathan Crowder, LandDesign – This property and this rezoning represents a first step in beginning to realize the Vision 2020 Plan. This is a great opportunity for the city to begin to put into action your vision statement you have for the future.

Max Spear, Spear Construction – This is the best laid-out plan he's seen presented in the city. It allows for a lot of housing diversity—affordable housing as well as upscale housing in the same area—which is what the Homebuilder's Association and the land planner's association have been advocating.

George Miles, owns property in Corbin Hills – The Corbin Hills area provides patio homes and condominiums, which is affordable housing. Has researched Pilot Homes and found they build a nice, attractive, affordable house. Feels this project will raise the value of his property.

Lane Yates, developer in Salisbury – Strongly supports this development. This is a model of development that has been well presented and well studied by LandDesign, which is one of the most respected companies in the nation. Pilot Developers has had a tremendous impact on the housing in the city and county. Over a period of time, this development could bring as much as 8% to 10% increase in population within the city limits. This is one of Salisbury's largest opportunities. This could be the engine that stimulates Salisbury's economic growth which we desperately need at the moment.

Wayne Miller, representing his parents who live on Earnhardt Road – They are 100% in favor of the development. Would like to see their property value increase and see some new neighbors.

Rick Shulenburg, Shulenburg Surveying Co. – Has looked at the topography of this property very closely. The plan which LandDeign has developed fits the property very well and would be an asset to the city.

Eugene Miller, 565 Earnhardt Road – This would be a good project for the city and still keep him and those who live on the other side of Earnhardt Road out of the city limits. This is an upscale project. Will bring in other development to the area.

Darrell Wagoner, Salisbury Engineering and Planning – This is a well thought-out plan that incorporates all the latest ideas in land planning including buffering and inner-connectivity through the neighborhoods. This design is less dense than what is allowed for the property, which is a plus for the surrounding area.

Those speaking in opposition to the zoning change request:

Joe Tittle, 555 Earnhardt Road – Earnhardt Road has been a very peaceful community. Across from his home is a beautiful field. Under Mr. Wood's proposal this peaceful environment will no longer exist on Earnhardt Road. He has a concern that the existence of \$75,000 townhouses and apartments right next to the \$250,000 homes will naturally degrade the value of the surrounding properties. He sees this as a deterrent to the market value and sale of neighboring lots and homes. Fails to see the economic logic or the long-term economic success of the mixed use concept in this proposal other than a huge profit for Pilot Developers. He also expressed concern that once the rezoning is approved, changes in the plan could introduce additional apartments and townhouses that were not on the original proposal. Would rather see a development where uniform construction and similar architectural pattern for single family

homes are applied. He encouraged the Planning Board to make appropriate investigations into similar projects referenced by Pilot Developers and LandDesign in order to insure that the proposed construction is representative of what Salisbury would promote in accordance with the Vision 2020 Plan. One serious matter he pointed out is traffic. Feels that Earnhardt Road would need to be upgraded to accommodate the heavy traffic that this proposal would generate. The road is narrow and has no shoulders or sidewalks. Earnhardt Road, Stokes Ferry Road, Dunn's Mountain Church Road, and Bringle Ferry Road leading to Interstate 85 north would all be impacted by the increased traffic flow. Serious consideration should be given to the installation of a full traffic light at the intersection of Stokes Ferry Road, Earnhardt Road and Dunn's Mountain Church Road. With the plans for the widening of Interstate 85 and the proposed modifications to Stokes Ferry and Newsome roads, what consideration has been given to traffic flow due to the significant increase in the traffic this proposed development will add to this bottleneck area.

Gary Yost, owns Yosties at Stokes Ferry Road and Earnhardt Road – He's not 100% sure that the Jake Alexander Extension is even in the works and is possibly 10 years or more down the road. The Planning Board voted against putting any businesses on the extension of Jake Alexander Blvd. from Old Concord Road to Stokes Ferry Road. Why should consideration be given to businesses along this proposed extension when there's no proof from the state that there's any thought of this being done.

Jeff Vail, 308 Laura Springs Drive – Doesn't wish to have anything that dense that close to him.

Robert Collins, 2602 Crane Drive – His property is adjacent to the retail district. If the rezoning is passed, he will be seeing businesses on three sides of his home.

Laurie Klaus – "Smart growth" is a trend with many people encouraging it to help Salisbury become more progressive--more like Charlotte--which is a mistake. People move here to get away from higher density and higher stress life. The Pilot Developers site is located between extremely low density and rural settings which is against Policy N-19 in the Vision 2020 Plan. Kannapolis recently turned down a developer's plan for this very reason. Earnhardt Road is not adequate for construction equipment or expanded traffic. Six top employers in Rowan County have either closed or laid off workers. Foreclosures are increasing, yet we want to take 152 acres of pristine woods and field for more homes. The number of apartments in this plan is more than Alexander Place or Holly Leaf. Salisbury needs to stop building apartment complexes or we will begin to look like Charlotte. This number of housing units will bring almost 600 new students to our schools. The per pupil budget has been cut, so where will the money come from for teachers, buses and physical space. Reminded the board that the R-6A area can be downzoned to R-8. Do not simply rubber stamp a "trend."

Sally Edwards, 1701 Whitney Lane – Recently moved back here after living in Atlanta for 28 years. Before she moved back, her neighborhood went through a similar zoning problem. The neighborhood was promised all kinds of buffers and promised a certain type of housing that would be built. The zoning was approved and the neighborhood got nothing of what the developers promised. Worried about the greenway and the buffering in this proposed development. Concerned that there were only construction people, land design people, developers, surveyors who spoke in favor of the rezoning.

Approximately 15 people stood in favor of the rezoning. Approximately 50-60 people stood in opposition to the rezoning.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Rodney Queen – What's currently proposed is better than what could be developed under the current zoning. Downzoning undeveloped land is a lot different than downzoning an established neighborhood. The commercial area may not be developed for the next 10 or 12 years, depending on what happens with Jake Alexander Boulevard. What's proposed versus what could go on the property under the present zoning is probably better for the neighborhood. As a developer, he has viewed the requirements of wide planting strips or sidewalks as a detriment to the overall development of the city which forces people out in the county. He's impressed that someone would take a major step forward and prepare a plan that is an asset to the city. These plans supersede all the misconceptions that he's had about the future development of Salisbury and the Vision 2020 Plan. If we don't support this plan, we might as well throw away the Vision 2020 Plan which everyone has worked on and developed over the past five or six years. He moved to approve the rezoning. Discussion continued with no second. The motion died.

In response to several questions from Board members concerning traffic counts, traffic signal and Jake Alexander Blvd. extension, Dan Mikkelson explained that Jake Alexander Boulevard has been shown on the city's thoroughfare plan for a number of years as eventually making a loop around the entire Salisbury, Spencer, and East Spencer urban area. The portion that shows on the zoning brief is currently not scheduled for construction. If the city were to begin lobbying the state for construction of that portion of the road, a 10- to 15-year time frame is a good guess. If a property owner wished to build a road that could serve his purposes for the interim, he could build a road that would be in the alignment of Jake Alexander Boulevard. There are a series of nationally recognized warrants that are used to determine if a traffic signal should be installed. With the intersection in question being as close to the city as it is, the city could initiate a study or the state could initiate a study. The study is to evaluate any of the 11 warrants which take into account things related to traffic volumes and accident history. If warrants are met, then a signal can be recommended.

Brian Miller said there was a lot about this project that applies to what smart growth stands for as well as a lot about this in the sense of community opposition that needs to be discussed. He moved to refer this case to a committee. The motion was seconded by Sean Reid. Those voting in favor of the motion were Miller, Reid, Williams, Wright, Mowery, Stiller, Smith, Loeblein and Dula. Those voting in opposition to the motion were Daniels and Queen. The motion carried. The case was referred to Committee 3 (Mowery, Smith, Williams, Wright).

(a) Chairman Wright convened a courtesy hearing on Z-20A-01 Salisbury City Council, U. S. 29 and Z-20B-01 Salisbury City Council, Jake Alexander Boulevard

The request is for the removal of Sign Overlay "C" located over portions of both U. S. 29 and Jake Alexander Boulevard. The overlay extends approximately 250 feet on each side of both highways.

At the present time, billboards are permitted in the Sign Overlay "C" area in M-1 and M-2 zoned areas. The removal of the overlay will prohibit the location of new billboards.

Those speaking in favor of the zoning change request:  
None

Those speaking in opposition to the zoning change request:

Jim Pridgen, representing Fairway Outdoor Advertising – Objects to a legitimate company being legislated off a highway. Feels billboards have a perfect right to be located on private property if the property is zoned properly for outdoor advertising.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Sean Reid – Doesn't see the value to the city for billboards on streets inside the city because they do not bring any revenue to the city; supports billboards on the interstate to a certain extent.

Ken Mowery moved to recommend removing Sign Overlay "C" from both the U. S. 29 and Jake Alexander Boulevard areas. The motion was seconded by Sean Reid with all members voting AYE.

As a result of the recommendation to remove Sign Overlay "C" district, a change will need to be made to Article IX of the Zoning Ordinance to remove all references to Sign Overlay "C." Ken Mowery moved to recommend approval of the text amendment. The motion was seconded by Elaine Stiller with all members voting AYE.

## **GROUP DEVELOPMENT**

G-4-01 Salisbury Academy, 2210 Jake Alexander Boulevard North

Leigh Ann Loeblein and Fred Dula were excused from the Board due to a conflict of interest.

An application has been submitted for the construction of a new facility. The Technical Review Committee has reviewed Phase I and is recommending approval of this application as submitted.

Dr. Karl Hales, 1725 Bellevue, commented that he did not oppose the building of the school but did have several concerns. One concern deals with the parking area at the back and the need for a buffer or some sort of green area. The trees shown on the plan are deciduous trees which will not have leaves during the winter and will not provide any visual buffer. He prefers an evergreen of some sort if possible. Would like to keep Bellevue Road as a dead-end road with no parking. The road has no shoulder and is not well maintained. Would like to see more grassy area, perhaps even a fence that would separate not only his property but the property next door to the school. Concerned with whether there will be lights on the soccer field. Asked if buses will enter at the back driveway. That road is not big enough to handle buses. If the back driveway connects with the front driveway, he's afraid this will be used as a cut-through.

Sherry Lloyd Keller, 118 Shamrock – has the same concerns as Dr. Hale; Shamrock Drive is a dead-end street. Concerned that Shamrock Drive will be opened as another feeder

street to the school. North Milford Drive is already being used as a cut-through to Isenberg School.

Clay Rehders, speaking for his mother-in-law who lives at 1722 Bellevue Road – Asked if a fence or some sort of buffer zone could be erected between the school and her home.

Lynn Hales, Bellevue Road – Concerned with the possibility of dead-end Bellevue Road being connected to Jake Alexander Boulevard.

Amy Rehders – concerned that she would not be able to reach her mother's home on Bellevue Road in case of an emergency due to the backup of school traffic.

Sean Reid felt there were a lot of questions from the neighbors that Salisbury Academy could answer and moved that the matter be sent to a committee and invite representatives of Salisbury Academy as well as interested neighbors. The motion was seconded by Jeff Smith with Reid, Smith, Mowery, Queen and Williams voting AYE and Stiller, Wright, Daniels and Miller voting NAY. The motion carried. The matter was sent to Committee 1 (Reid, Stiller, Miller, Wright who replaced Dula).

## **SUBDIVISION**

### **S-4-92 Oakview Commons, Section 3**

This is a resubmittal of a subdivision site plan that was approved by the Planning Board about a year ago. The earlier submittal involved 37 acres and 66 residential lots. The current submittal includes 47 acres and 170 lots. All new subdivision standards have been met except for one stretch of road which exceeds the new 800' maximum distance between intersections by about 225'. The Technical Review Committee considered alternatives but recommends that relief be granted from that one requirement at that one spot.

Dan Mikkelson said there are two issues not currently regulated by our subdivision ordinance which can be illustrated by using this particular subdivision plan. This developer should not be penalized because his plan is being used as an example. The ordinance does not address these issues and it would not be appropriate to hold it against him.

This phase of the subdivision contains 170 housing units, but there is no common green space aside from the public right-of-way. Our ordinance does not require that. This is one of the elements that the Salisbury 2020 Plan finds as being very important. That is an issue from which we will benefit if we establish a clear standard that deals with common green space.

Another item that's not currently regulated by the ordinance deals with how many accesses a development has out to the highway system. When Phases 1, 2, and 3 of this subdivision will be built out, there will be 208 housing units with only one access point out to Faith Road. As we continue to improve the subdivision ordinance, these two issues are items which the Technical Review Committee will want to look at and make recommendations. Mr. Poole indicated that these issues could be discussed by the Legislative Committee.

Following discussion, Jeff Smith moved to recommend approval and to grant relief to the maximum distance between intersection requirement for the one area so requested. The motion

was seconded by Brian Miller with all members voting AYE except Loeblein and Williams who voted NAY. The motion carried.

### **COMMITTEE REPORTS**

(a) Z-14-01 Downtown Salisbury, Inc. – The request is for the addition of the HA Historic District-A overlay to approximately 129 acres in an area generally bounded by East Monroe, South Lee, East Fisher, Southern Railroad, North Church, North Jackson, South Church, West Bank, West Horah and South Main streets. Leigh Ann Loeblein reported for the committee. The committee held several meetings and walking tours. The committee recommendation incorporates several recommendations from the Historic Preservation Commission, deletes several properties from the original request, and adds several properties to the original request. Areas added include the Noble and Kelsey properties on East Liberty Street; several properties near the corner of South Main and West Monroe streets and also a small property in the 100 block of West Horah Street; the parking lot at the corner of North Jackson and West Liberty streets; and the rear portion of Soldier's Memorial AME Zion Church. Excluded were properties in the 300 and 400 blocks of South Lee Street which the committee felt would better fit into the Brooklyn-South Square District rather than the downtown district. The report comes from the committee in the form of a motion to recommend approval of the rezoning as indicated in the report. The motion was seconded by Fred Dula with all members voting AYE.

In conjunction with the rezoning request, the committee also considered the proposed guidelines for non-residential structures within local historic districts. There were three changes the committee felt needed to be made. The first change dealt with structures that had originally been built for residential use but has been converted to a non-residential use. These types of structures would continue to follow the residential guidelines, although it could utilize elements from the non-residential guidelines for parking and signage. The next change dealt with painting and signage approvals which would become "minor works." Minor works are usually approved within a few days of the request by a committee rather than going before the full Board. The last change dealt with projecting signs. The zoning ordinance currently does not allow them in any district. There needs to be a change in the ordinance to address that type of sign, so that would be a referral to the Legislative Committee. The committee report on the endorsement of the design guidelines, along with its suggestions, comes as a motion to approve. The motion was seconded by Ken Mowery with all members voting AYE.

### **RULES OF PROCEDURE**

Jeff Smith reported for the committee. The committee is once again looking at the attendance policy of the Rules of Procedure dealing with excused absences and required attendance at board and committee meetings. Also discussed was the section dealing with experience of chairman and vice chairman.

The committee's recommendation dealing with excused absences is to delete Section 4 of Article VII so that there would not be any excused absences.

The committee's recommendation dealing with required attendance at Board and committee meetings is to change the number of meetings a member can miss before he is

notified as well as changing the number of meetings a member can miss before the member will be replaced (Sections 2 and 3 of Article VII).

The committee is recommending adding the word “consecutive” to the requirement that the chairman shall have at least two years’ experience as a Planning Board member and deleting the word “consecutive” from the requirement that the chairman shall serve as chairman a maximum of two consecutive years.

Action on the proposed recommendations will be taken at a later meeting.

#### **COMMITTEE APPOINTMENT**

The chairman appointed the following to a committee to study the U. S. 70 corridor from Holly Avenue west to the end of ETJ area: Jeff Smith, chair; Brian Miller; Ken Mowery; Eldridge Williams.

There being no further business to come before the Board, the meeting was adjourned.

---

Secretary

---

Chairman